



General Assembly

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***Amendment***

LCO No. 5628

**\*HB0581005628HDO\***

Offered by:

REP. WALLACE, 109<sup>th</sup> Dist.

REP. MINER, 66<sup>th</sup> Dist.

REP. DREW, 132<sup>nd</sup> Dist.

REP. FOX, 146<sup>th</sup> Dist.

REP. GENTILE, 104<sup>th</sup> Dist.

REP. HENNESSY, 127<sup>th</sup> Dist.

REP. LEWIS, 8<sup>th</sup> Dist.

REP. MILLER, 122<sup>nd</sup> Dist.

REP. WILBER, 63<sup>rd</sup> Dist.

REP. MICHELE, 77<sup>th</sup> Dist.

To: House Bill No. 5810

File No. 504

Cal. No. 339

*(As Amended)*

**"AN ACT LIMITING THE USE OF EMINENT DOMAIN BY MUNICIPALITIES AND MUNICIPAL DEVELOPMENT AGENCIES AND ESTABLISHING AN OFFICE OF PROPERTY RIGHTS OMBUDSMAN."**

1 Strike subdivision (1) of subsection (b) of section 1 and insert the  
2 following in lieu thereof:

3 "(b) (1) The development agency may, with the approval of the  
4 legislative body in accordance with this subsection, and in the name of  
5 the municipality, acquire by eminent domain real property located  
6 within the project area and real property and interests therein for  
7 rights-of-way and other easements to and from the project area, in  
8 accordance with subsection (e) of this section and in the same manner  
9 that a redevelopment agency may acquire real property under sections

10 8-128 to 8-133, inclusive, as if said sections specifically applied to  
11 development agencies, except that no real property may be acquired  
12 by eminent domain pursuant to this subsection (A) if an owner-  
13 occupied dwelling unit that complies with building and zoning  
14 requirements of the municipality, or (B) for the sole purpose of  
15 increasing local tax revenue. The legislative body shall not approve the  
16 use of eminent domain by the development agency unless the  
17 legislative body has (i) considered the benefits to the public and any  
18 private entity that will result from the development project and  
19 determined that the public benefits outweigh any private benefits, (ii)  
20 determined that the current use of the real property cannot be feasibly  
21 integrated into the overall development plan, and (iii) determined that  
22 the acquisition of the real property by eminent domain is reasonably  
23 necessary to successfully achieve the objectives of the development  
24 plan."

25 Strike subdivision (1) of subsection (h) of section 5 and insert the  
26 following in lieu thereof:

27 "(h) (1) The implementing agency may, with the approval of the  
28 legislative body of the municipality, and in the name of the  
29 municipality, condemn in accordance with section 8-128 to 8-133,  
30 inclusive, as amended by this act, any real property necessary or  
31 appropriate for the project as identified in the development plan,  
32 including real property and interests in land for rights-of-way and  
33 other easements to and from the project area, except that no real  
34 property may be condemned pursuant to this section (A) if such real  
35 property consists of a parcel on which is located an owner-occupied  
36 dwelling unit that complies with building and zoning requirements of  
37 the municipality, (B) for the sole purpose of increasing local tax  
38 revenue. The legislative body shall not approve the use of  
39 condemnation by the implementing agency unless the legislative body  
40 has (i) considered the benefits to the public and any private entity that  
41 will result from the municipal development project and determined  
42 that the public benefits outweigh any private benefits, (ii) determined  
43 that the current use of the real property cannot be feasibly integrated

44 into the overall development plan, and (iii) determined that the  
45 acquisition of the real property by condemnation is reasonably  
46 necessary to successfully achieve the objectives of the development  
47 plan."

48 Strike subsection (a) of section 6 and insert the following in lieu  
49 thereof:

50 "(a) Within a reasonable time after its approval of the  
51 redevelopment plan as [hereinbefore] provided in section 8-127, the  
52 redevelopment agency may proceed with the acquisition or rental of  
53 real property by purchase, lease, exchange or gift. The redevelopment  
54 agency may acquire real property by eminent domain with the  
55 approval of the legislative body of the municipality and in accordance  
56 with the provisions of sections 8-129 to 8-133, inclusive, and this  
57 section, except that no real property may be acquired by eminent  
58 domain under this section if such real property consists of a parcel on  
59 which is located an owner-occupied dwelling unit that complies with  
60 building and zoning requirements of the municipality. The legislative  
61 body in its approval of a project under section 8-127 shall specify the  
62 time within which real property is to be acquired. The time for  
63 acquisition may be extended by the legislative body in accordance  
64 with section 48-6, upon request of the redevelopment agency,  
65 provided the owner of the real property consents to such request. Real  
66 property may be acquired previous to the adoption or approval of the  
67 project area redevelopment plan, provided the property acquired shall  
68 be located within an area designated on the general plan as an  
69 appropriate redevelopment area or within an area whose boundaries  
70 are defined by the planning commission as an appropriate area for a  
71 redevelopment project, and provided such acquisition shall be  
72 authorized by the legislative body. The redevelopment agency may  
73 clear, repair, operate or insure such property while it is in its  
74 possession or make site improvements essential to preparation for its  
75 use in accordance with the redevelopment plan."

76 After the last section, add the following and renumber sections and

77 internal references accordingly:

78 "Sec. 501. Section 8-125 of the general statutes is repealed and the  
79 following is substituted in lieu thereof (*Effective from passage and*  
80 *applicable to property acquired on or after said date*):

81 As used in this chapter:

82 [(a)] (1) "Redevelopment" means improvement by the rehabilitation  
83 or demolition of structures, by the construction of new structures,  
84 improvements or facilities, by the location or relocation of streets,  
85 parks and utilities, by replanning or by two or more of these methods;

86 [(b)] (2) "Redevelopment area" means an area within the state  
87 which is deteriorated, [deteriorating,] substandard or detrimental to  
88 the safety, health, morals or welfare of the community. An area may  
89 consist partly or wholly of vacant or unimproved land or of land with  
90 structures and improvements thereon, and may include structures not  
91 in themselves substandard or insanitary which are found to be  
92 essential to complete an adequate unit of development, if the  
93 redevelopment area is deteriorated, [deteriorating,] substandard or  
94 detrimental. An area [may] shall not include properties that are not  
95 contiguous to each other. An area may include all or part of the  
96 territorial limits of any fire district, sewer district, fire and sewer  
97 district, lighting district, village, beach or improvement association or  
98 any other district or association, wholly within a town and having the  
99 power to make appropriations or to levy taxes, whether or not such  
100 entity is chartered by the General Assembly;

101 [(c)] (3) A "redevelopment plan" [shall include: (1)] means a plan  
102 that includes: (A) A description of the redevelopment area and the  
103 condition, type and use of the structures therein; [(2)] (B) the location  
104 and extent of the land uses proposed for and within the area, such as  
105 housing, recreation, business, industry, schools, civic activities, open  
106 spaces or other categories of public and private uses; [(3)] (C) the  
107 location and extent of streets and other public utilities, facilities and  
108 works within the area; [(4)] (D) schedules showing the number of

109 families displaced by the proposed improvement, the method of  
110 temporary relocation of such families and the availability of sufficient  
111 suitable living accommodations at prices and rentals within the  
112 financial reach of such families and located within a reasonable  
113 distance of the area from which they are displaced; ~~[(5)]~~ (E) present  
114 and proposed zoning regulations in the redevelopment area; ~~[(6)]~~ and  
115 (F) any other detail including financial aspects of redevelopment  
116 which, in the judgment of the redevelopment agency authorized  
117 herein, is necessary to give it adequate information;

118 ~~[(d)]~~ (4) "Planning agency" means the existing city or town plan  
119 commission or, if such agency does not exist or is not created, the  
120 legislative body or agency designated by it;

121 ~~[(e)]~~ (5) "Redeveloper" means any individual, group of individuals  
122 or corporation or any municipality or other public agency including  
123 any housing authority established pursuant to chapter 128;

124 ~~[(f)]~~ (6) "Real property" means land, subterranean or subsurface  
125 rights, structures, any and all easements, air rights and franchises and  
126 every estate, right or interest therein."